

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *EG* D.C.
05 NOV -9 AM 10: 27

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TENNESSEE

RAMA SHIVASHANKAR ex rel,
THE UNITED STATES OF AMERICA

Plaintiffs,

v.

METHODIST HEALTHCARE
COMMUNITY CARE ASSOCIATES, INC.,

Defendant.

Civil Action No. 04-2386 ML/P

AGREED ORDER GRANTING DEFENDANT'S MOTION FOR PARTIAL SUMMARY
JUDGMENT ON THE PLEADINGS AND DISMISSING WITH PREJUDICE
PLAINTIFF'S RETALIATION CLAIMS UNDER 31 U.S.C. §3730(h)

On June 24, 2005, Defendant Methodist Healthcare Community Care Associates, Inc. filed a Motion for Partial Judgment on the Pleadings Dismissing Plaintiff's Retaliation Claims Under 31 U.S.C. §3730(h). Plaintiff has not filed a response. In its Motion, Defendant contends that Plaintiff's retaliation claims under the False Claims Act (FCA), 31 U.S.C. §3730(h), are barred by the applicable one-year statute of limitations found in T.C.A. §28-3-104(a)(1). As evidenced by the signature of her counsel, Plaintiff agrees that the Motion is well taken and that the retaliation claims are time barred based on the very recent decision argued by Defendant.

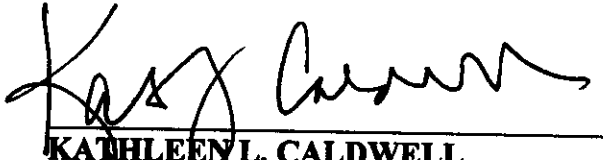
It is therefore **ORDERED** that Defendant's Motion for Partial Judgment on the Pleadings Dismissing Plaintiff's Retaliation Claims under 31 U.S.C. §3730(h) is hereby **GRANTED**, and the court dismisses with prejudice Plaintiff's retaliation claims under 31 U.S.C. §3730(h).

IT IS SO ORDERED this 31st day of October, 2005.

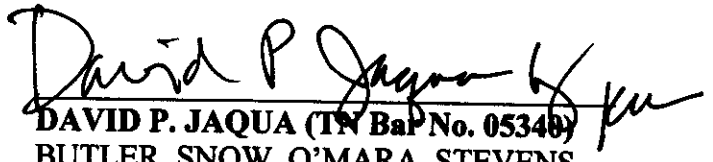
24


JON PHIPPS McCALLA
United States District Judge

AGREED TO:


KATHLEEN L. CALDWELL

2080 Peabody Avenue
Memphis, TN 38104
Telephone: (901) 274-2075
Facsimile: (901) 274-2085
Counsel for Plaintiff


DAVID P. JAQUA (TN Bar No. 05348) *per*
BUTLER, SNOW, O'MARA, STEVENS,
& CANNADA, PLLC *by permission*
Crescent Center, Suite 500
6075 Poplar Avenue
Memphis, TN 38119
Telephone: (901) 680-7343
Facsimile: (901) 680-7201
E-Mail: david.jaqua@butlersnow.com
Counsel for Defendant



Notice of Distribution

This notice confirms a copy of the document docketed as number 24 in case 2:04-CV-02386 was distributed by fax, mail, or direct printing on November 9, 2005 to the parties listed.

Kathleen L. Caldwell
LAW OFFICE OF KATHLEEN L. CALDWELL
2080 Peabody Ave.
Memphis, TN 38104

David P. Jaqua
BUTLER SNOW O'MARA STEVENS & CANADA, PLLC
6075 Poplar Ave.
Ste. 500
Memphis, TN 38119

Honorable Jon McCalla
US DISTRICT COURT